

AMENDED IN ASSEMBLY APRIL 6, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2516

Introduced by Assembly Member Wood

February 19, 2016

An act to amend Section 19332 of the Business and Professions Code, relating to medical marijuana.

LEGISLATIVE COUNSEL’S DIGEST

AB 2516, as amended, Wood. Medical marijuana: state cultivator license types: specialty cottage type.

The Medical Marijuana Regulation and Safety Act provides for the licensure and regulation of commercial activities relating to medical marijuana, and establishes various types of state cultivator licenses to be issued to qualified applicants by the Department of Food and Agriculture.

This bill would also provide for the issuance of a Type 1C, or “specialty cottage,” state cultivator license, as specified, by the Department of Food and Agriculture.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19332 of the Business and Professions
- 2 Code, as added by Section 1 of Chapter 688 of the Statutes of
- 3 2015, is amended to read:

1 19332. (a) The Department of Food and Agriculture shall
2 promulgate regulations governing the licensing of indoor and
3 outdoor cultivation sites.

4 (b) The Department of Pesticide Regulation, in consultation
5 with the Department of Food and Agriculture, shall develop
6 standards for the use of pesticides in cultivation, and maximum
7 tolerances for pesticides and other foreign object residue in
8 harvested cannabis.

9 (c) The State Department of Public Health shall develop
10 standards for the production and labeling of all edible medical
11 cannabis products.

12 (d) The Department of Food and Agriculture, in consultation
13 with the Department of Fish and Wildlife and the State Water
14 Resources Control Board, shall ensure that individual and
15 cumulative effects of water diversion and discharge associated
16 with cultivation do not affect the instream flows needed for fish
17 spawning, migration, and rearing, and the flows needed to maintain
18 natural flow variability.

19 (e) The Department of Food and Agriculture shall have the
20 authority necessary for the implementation of the regulations it
21 adopts pursuant to this chapter. The regulations shall do all of the
22 following:

23 (1) Provide that weighing or measuring devices used in
24 connection with the sale or distribution of medical cannabis are
25 required to meet standards equivalent to Division 5 (commencing
26 with Section 12001).

27 (2) Require that cannabis cultivation by licensees is conducted
28 in accordance with state and local laws related to land conversion,
29 grading, electricity usage, water usage, agricultural discharges,
30 and similar matters. Nothing in this chapter, and no regulation
31 adopted by the Department of Food and Agriculture, shall be
32 construed to supersede or limit the authority of the State Water
33 Resources Control Board, regional water quality control boards,
34 or the Department of Fish and Wildlife to implement and enforce
35 their statutory obligations or to adopt regulations to protect water
36 quality, water supply, and natural resources.

37 (3) Establish procedures for the issuance and revocation of
38 unique identifiers for activities associated with a cannabis
39 cultivation license, pursuant to Article 8 (commencing with Section

1 19337). All cannabis shall be labeled with the unique identifier
2 issued by the Department of Food and Agriculture.

3 (4) Prescribe standards, in consultation with the bureau, for the
4 reporting of information as necessary related to unique identifiers,
5 pursuant to Article 8 (commencing with Section 19337).

6 (f) The Department of Pesticide Regulation, in consultation with
7 the State Water Resources Control Board, shall promulgate
8 regulations that require that the application of pesticides or other
9 pest control in connection with the indoor or outdoor cultivation
10 of medical cannabis meets standards equivalent to Division 6
11 (commencing with Section 11401) of the Food and Agricultural
12 Code and its implementing regulations.

13 (g) State cultivator license types issued by the Department of
14 Food and Agriculture include:

15 (1) Type 1, or “specialty outdoor,” for outdoor cultivation using
16 no artificial lighting of less than or equal to 5,000 square feet of
17 total canopy size on one premises, or up to 50 mature plants on
18 noncontiguous plots.

19 (2) Type 1A, or “specialty indoor,” for indoor cultivation using
20 exclusively artificial lighting of less than or equal to 5,000 square
21 feet of total canopy size on one premises.

22 (3) Type 1B, or “specialty mixed-light,” for cultivation using a
23 combination of natural and supplemental artificial lighting at a
24 maximum threshold to be determined by the licensing authority,
25 of less than or equal to 5,000 square feet of total canopy size on
26 one premises.

27 (4) Type 1C, or “specialty cottage,” for cultivation using a
28 combination of natural and supplemental artificial lighting at a
29 maximum threshold to be determined by the licensing authority,
30 of 2,500 square feet or less of total canopy size for ~~outdoor~~
31 *mixed-light* cultivation, *up to 25 plants for outdoor cultivation*, or
32 500 square feet or less of total canopy size for indoor cultivation,
33 on one premises.

34 (5) Type 2, or “small outdoor,” for outdoor cultivation using
35 no artificial lighting between 5,001 and 10,000 square feet,
36 inclusive, of total canopy size on one premises.

37 (6) Type 2A, or “small indoor,” for indoor cultivation using
38 exclusively artificial lighting between 5,001 and 10,000 square
39 feet, inclusive, of total canopy size on one premises.

(7) Type 2B, or “small mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 5,001 and 10,000 square feet, inclusive, of total canopy size on one premises.

(8) Type 3, or “outdoor,” for outdoor cultivation using no artificial lighting from 10,001 square feet to one acre, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(9) Type 3A, or “indoor,” for indoor cultivation using exclusively artificial lighting between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(10) Type 3B, or “mixed-light,” for cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold to be determined by the licensing authority, between 10,001 and 22,000 square feet, inclusive, of total canopy size on one premises. The Department of Food and Agriculture shall limit the number of licenses allowed of this type.

(11) Type 4, or “nursery,” for cultivation of medical cannabis solely as a nursery. Type 4 licensees may transport live plants.

SEC. 2. Section 19332 of the Business and Professions Code, as added by Section 13 of Chapter 719 of the Statutes of 2015, is amended to read:

19332. (a) The Department of Food and Agriculture shall promulgate regulations governing the licensing of indoor and outdoor cultivation sites.

(b) The Department of Pesticide Regulation, in consultation with the Department of Food and Agriculture, shall develop standards for the use of pesticides in cultivation, and maximum tolerances for pesticides and other foreign object residue in harvested cannabis.

(c) The State Department of Public Health shall develop standards for the production and labeling of all edible medical cannabis products.

(d) The Department of Food and Agriculture, in consultation with the Department of Fish and Wildlife and the State Water Resources Control Board, shall ensure that individual and cumulative effects of water diversion and discharge associated

1 with cultivation do not affect the instream flows needed for fish
2 spawning, migration, and rearing, and the flows needed to maintain
3 natural flow variability.

4 (e) The Department of Food and Agriculture shall have the
5 authority necessary for the implementation of the regulations it
6 adopts pursuant to this chapter. The regulations shall do all of the
7 following:

8 (1) Provide that weighing or measuring devices used in
9 connection with the sale or distribution of medical cannabis are
10 required to meet standards equivalent to Division 5 (commencing
11 with Section 12001).

12 (2) Require that cannabis cultivation by licensees is conducted
13 in accordance with state and local laws related to land conversion,
14 grading, electricity usage, water usage, agricultural discharges,
15 and similar matters. Nothing in this chapter, and no regulation
16 adopted by the Department of Food and Agriculture, shall be
17 construed to supersede or limit the authority of the State Water
18 Resources Control Board, regional water quality control boards,
19 or the Department of Fish and Wildlife to implement and enforce
20 their statutory obligations or to adopt regulations to protect water
21 quality, water supply, and natural resources.

22 (3) Establish procedures for the issuance and revocation of
23 unique identifiers for activities associated with a cannabis
24 cultivation license, pursuant to Article 8 (commencing with Section
25 19337). All cannabis shall be labeled with the unique identifier
26 issued by the Department of Food and Agriculture.

27 (4) Prescribe standards, in consultation with the bureau, for the
28 reporting of information as necessary related to unique identifiers,
29 pursuant to Article 8 (commencing with Section 19337).

30 (f) The Department of Pesticide Regulation, in consultation with
31 the State Water Resources Control Board, shall promulgate
32 regulations that require that the application of pesticides or other
33 pest control in connection with the indoor or outdoor cultivation
34 of medical cannabis meets standards equivalent to Division 6
35 (commencing with Section 11401) of the Food and Agricultural
36 Code and its implementing regulations.

37 (g) State cultivator license types issued by the Department of
38 Food and Agriculture include:

39 (1) Type 1, or “specialty outdoor,” for outdoor cultivation using
40 no artificial lighting of less than or equal to 5,000 square feet of

1 total canopy size on one premises, or up to 50 mature plants on
2 noncontiguous plots.

3 (2) Type 1A, or “specialty indoor,” for indoor cultivation using
4 exclusively artificial lighting of less than or equal to 5,000 square
5 feet of total canopy size on one premises.

6 (3) Type 1B, or “specialty mixed-light,” for cultivation using a
7 combination of natural and supplemental artificial lighting at a
8 maximum threshold to be determined by the licensing authority,
9 of less than or equal to 5,000 square feet of total canopy size on
10 one premises.

11 (4) Type 1C, or “specialty cottage,” for cultivation using a
12 combination of natural and supplemental artificial lighting at a
13 maximum threshold to be determined by the licensing authority,
14 of 2,500 square feet or less of total canopy size for ~~outdoor~~
15 *mixed-light* cultivation, *up to 25 plants for outdoor cultivation*, or
16 500 square feet or less of total canopy size for indoor cultivation,
17 on one premises.

18 (5) Type 2, or “small outdoor,” for outdoor cultivation using
19 no artificial lighting between 5,001 and 10,000 square feet,
20 inclusive, of total canopy size on one premises.

21 (6) Type 2A, or “small indoor,” for indoor cultivation using
22 exclusively artificial lighting between 5,001 and 10,000 square
23 feet, inclusive, of total canopy size on one premises.

24 (7) Type 2B, or “small mixed-light,” for cultivation using a
25 combination of natural and supplemental artificial lighting at a
26 maximum threshold to be determined by the licensing authority,
27 between 5,001 and 10,000 square feet, inclusive, of total canopy
28 size on one premises.

29 (8) Type 3, or “outdoor,” for outdoor cultivation using no
30 artificial lighting from 10,001 square feet to one acre, inclusive,
31 of total canopy size on one premises. The Department of Food and
32 Agriculture shall limit the number of licenses allowed of this type.

33 (9) Type 3A, or “indoor,” for indoor cultivation using
34 exclusively artificial lighting between 10,001 and 22,000 square
35 feet, inclusive, of total canopy size on one premises. The
36 Department of Food and Agriculture shall limit the number of
37 licenses allowed of this type.

38 (10) Type 3B, or “mixed-light,” for cultivation using a
39 combination of natural and supplemental artificial lighting at a
40 maximum threshold to be determined by the licensing authority,

1 between 10,001 and 22,000 square feet, inclusive, of total canopy
2 size on one premises. The Department of Food and Agriculture
3 shall limit the number of licenses allowed of this type.

4 (11) Type 4, or “nursery,” for cultivation of medical cannabis
5 solely as a nursery. Type 4 licensees may transport live plants.

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